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| APPLICATION NO.         | FILING DATE | FIRST NAMED INVENTOR    | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-------------------------|-------------|-------------------------|---------------------|------------------|
| 10/815,210              | 03/31/2004  | Craig Ardner Swearingen | AUS920030808US1     | 9510             |
| 35525                   | 7590        | 07/31/2008              | EXAMINER            |                  |
| IBM CORP (YA)           |             |                         | SHAW, PELING ANDY   |                  |
| C/O YEE & ASSOCIATES PC |             |                         |                     |                  |
| P.O. BOX 802333         |             |                         | ART UNIT            | PAPER NUMBER     |
| DALLAS, TX 75380        |             |                         | 2144                |                  |
|                         |             |                         | MAIL DATE           | DELIVERY MODE    |
|                         |             |                         | 07/31/2008          | PAPER            |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

|   |                 |                   |             |
|---|-----------------|-------------------|-------------|
| <b>Pre-Interview Communication</b><br>(For use in the First Action Interview Pilot Program) | Application No. | Applicant(s)      |             |
|   | 10/815,210      | SWEARINGEN ET AL. |             |
|   | Examiner        | Art Unit<br>2144  | Page 1 of 2 |
|   | PELING A. SHAW  |                   |             |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ONE MONTH OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

This time period for reply is NOT extendable under 37 CFR 1.136(a). This communication constitutes notice under 37 CFR 1.136(a)(1)(i).

To avoid abandonment of the application, applicant must, within this time period for reply, file:

- (1) A letter requesting not to have a first-action interview, or
- (2) A completed Applicant Initiated Interview Request Form (PTOL-413A) accompanied by a proposed amendment or arguments.

Inventor participation in the Pre-First Action Interview is encouraged if it would expedite resolution of the application.

#### Disposition of Claims

- 3) Claim(s) 1, 6 and 11 is/are pending in the application.
  - 3a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 4) Claim(s) \_\_\_\_\_ appear to be allowable.
- 5) Claim(s) 1, 6 and 11 appear to be rejectable.
- 6) Claim(s) \_\_\_\_\_ may be subject to an objection.
- 7) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 8) The specification may be subject to an objection by the Examiner.
- 9) The drawing(s) filed on 03/31/2004 is/are: a) accepted or b) may be subject to an objection by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

- 10) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 11) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All
  - b) Some \*
  - c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\*See the attached detailed Office action for a list of the certified copies not received.

#### Contact Information

Examiner's Telephone Number: (571)272-7968

Examiner's Typical Work Schedule: M-F 8:00 - 4:00

Supervisor's Name: William C. Vaughn

Supervisor's Telephone Number: (571)272-3922

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 01/10/2008.
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) Notice of Informal Patent Application
- 6) Other: \_\_\_\_\_.

|                                    |                                    |  |             |
|------------------------------------|------------------------------------|--|-------------|
| <b>Pre-Interview Communication</b> | <b>Application No.</b><br>10815210 | <b>Applicant(s)</b><br>SWEARINGEN ET AL. |             |
|                                    | <b>Examiner</b><br>PELING A. SHAW  | <b>Art Unit</b><br>2144                  | Page 2 of 2 |

**Notification of Potential Rejection(s) and/or Objection(s)**

| # | Claim(s)    | Reference(s)<br>(if applicable) | Rejection<br>Statutory Basis | Brief Explanation of Potential Rejection  |
|---|-------------|---------------------------------|------------------------------|---|
| 1 | 6           |                                 | 101                          | Claim 6 recites "computer readable medium" which can be a transmission-type media, such as digital or analog communication links as per lines 7-19 on page 25 of applicant's original specification. That is not conforming 35 U.S.C. 101.      |
| 2 | 11          |                                 | 101                          | Claim 11 recites "apparatus" and "means for ..." without specific hardware references. Compared with claim 6 language, there is no significant difference. It is the evidence that the apparatus is either a hybrid or software per se.         |
| 3 | 1, 6 and 11 | B                               | 103                          | Claim 1, 6 and 11 (column 1, lines 53-59: logon status, buddy lists; column 3, lines 48-63: block status code "none", "none except", inclusion list, ;  |
|   |             | A                               | 103                          | B does not disclose "in response to receiving ..., displaying indicating ...), A disclosed (Fig. 3-4column 7, lines 15-37) an open mode is used to display an awareness of other works in proximity for video conference on a computer browser. |
|   |             |                                 |                              |   |

**Expanded Discussion/Commentary**

|   |  |  |
|---|--|--|
| 2 |  | This is not conforming 35 U.S.C. 101.  |
| 3 |  | column 4, lines 37-44: chat room, instant message; Fig. 5, column 4, lines 54-63: display on list of buddies; column 5, lines 16-22: block all with "none" in permissions list table, Buddy Chat Invitation; column 5, lines 23-31: allow only the members below, inclusion list, Buddy Chat Invitation;column 5, lines 10-40: block status code for allow a Buddy Chat Invitation; Fig. 10, column 6, lines 18-35: send invitation; |
|   |  |  |
|   |  |  |
|   |  |  |
|   |  |  |

**DATE:**  
7/29/2008

**Examiner Signature:**

**Primary Examiner Signature:**